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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,582

04/14/2004

Thomas Boehm

1400-30 CIP

6554

7590

03/16/2007

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,582

Applicant(s)

BOEHM ET AL.

Examiner

Jamara A. Franklin

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14-18 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-18 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | - Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment is made of the amendment filed on January 10, 2007. Claims 1-5, 7-12, 14-18, and 22-24 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, 8, 14, 15, 18, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Gregerson et al. (US 6,702,183) (hereinafter referred to as 'Gregerson '183').

Gregerson '183 teaches:

regarding claims 1 and 15, an actuator (pushbutton 116) assembly for an omnidirectional optical code scanner (scanner 100) system and method for reading including illuminating, scanning and decoding at least one optical code within a field of view of the scanning system and said at least one optical code being oriented in an orientation included in a set of multiple orientations, said actuator assembly comprising:

means for providing for user selection of a mode selected from the group of modes consisting of: an omnidirectional mode for performing a read operation for reading an optical code oriented in any orientation included in the set of multiple orientations, a restricted

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omnidirectional mode for performing a read operation for reading the optical code when oriented only in an orientation of a reduced set of the set of multiple orientations, a parameter adjustment mode for adjusting at least one parameter of the omnidirectional scanner system, and an aim mode for illuminating a target object and disrupting a corresponding read operation (col. 3, lines 4-28 and 57-65);

means for generating a signal indicative of the mode selection (col. 3, lines 11-15, 23-28, and 59-65);

regarding claims 8 and 22, an omnidirectional optical code scanner system for reading including illuminating, scanning and decoding at least one optical code within a field of view of the scanning system and said at least one optical code being oriented in an orientation included in a set of multiple orientations, said scanner system comprising:

an actuator assembly comprising:

means for providing for user selection of a mode selected from the group of modes consisting of: an omnidirectional mode for performing a read operation for reading an optical code oriented in any orientation included in the set of multiple orientations, a restricted omnidirectional mode for performing a read operation for reading the optical code when oriented only in an orientation of a reduced set of the set of multiple orientation, a parameter adjustment mode for adjusting at least one parameter of the omnidirectional scanner system, and an aim mode for illuminating a target object and disrupting a corresponding read operation; and

means for generation a signal indicative of the mode selection; and

at least one processor (processor 114) comprising means for operating the scanning system in the selected mode in accordance with the signal indicative of the mode selection;

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the actuator assemblies and method wherein the scanning system further comprises means for at least one of further processing read operation results and transmitting the read operation results for further processing; and

wherein disrupting the read operation includes causing the reading results to be unavailable for at least one of the processing and transmitting for further processing (col. 3, lines 23-55); and

the method and the single line scanning system wherein the circuitry is responsive only to user action (action resulting from pressing of pushbutton 116).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 2, 3, 9, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregerson '183 in view of Gregerson et al (US 5,818,025) (hereinafter referred to as 'Gregerson '025').

The teachings of Gregerson '183 have been discussed above.

Gregerson '183 lacks the teaching of the reduced set as selectable.

Gregerson '025 teaches an assembly, method, and system wherein a user selects a restricted omnidirectional mode for performing a read operation for reading an optical code when oriented only in an orientation of a reduced set of a set of multiple orientations (col. 3, lines 10-16);

wherein the reduced set is selectable (col. 3, lines 10-16); and

wherein the reduced set is selectable via the actuator assembly (col. 3, lines 10-16).

One of ordinary skill in the art would have readily recognized that providing the Gregerson '183 with the selectable reduced set would have been beneficial for saving the energy consumed in creating an omni-directional scan pattern every time an optical code is to be read. Saving energy would eventually cut costs associated with the electrical operation of the scanner and help to prolong the life of the scanner. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Gregerson '183 with the aforementioned teaching of Gregerson '025.

6. Claims 4, 5, 11, 12, 17, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregerson '183 in view of Svetal et al. (US 6,318,634) (hereinafter referred to as 'Svetal').

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The teachings of Gregerson '183 have been discussed above.

Gregerson '183 lacks the teaching of a trigger.

Svetal teaches an actuator assembly, method, and system wherein a user selects of a mode (col. 4, lines 14-17);

wherein the actuator assembly is a single trigger (col. 4, lines 14-17); and

wherein the trigger is a single position trigger (col. 4, lines 14-17).

One of ordinary skill in the art would have readily recognized that providing the Gregerson '183 invention with the trigger of Svetal would have been beneficial since the trigger is a commonly recognized device for signaling the device to which the trigger is attached to perform a function. The trigger would be easy-to-use and ergonomically sensible and efficient in its ease of use. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Gregerson '183 with the trigger as taught by Svetal.

Response to Arguments

7. Applicant's arguments filed January 10, 2007 have been fully considered but they are not persuasive.

In response to the newly amended claims, the examiner contends that the independent claims are presented in the form of a markush group; therefore, the examiner is obligated to find at least one of the elements presented in the markush group in order to properly reject the claim. In this case, the Gregerson '183 invention reads upon 3 of the 4 groups presented in the markush group (i.e. an omnidirectional mode for performing a read operation for reading an optical code oriented in any orientation included in the set of multiple orientations, a restricted

omnidirectional mode for performing a read operation for reading the optical code when oriented only in an orientation of a reduced set of the set of multiple orientations, and an aim mode for illuminating a target object and disrupting a corresponding read operation). The rejections of claim 1-5, 7-12, 14-18, and 22-24 remain.

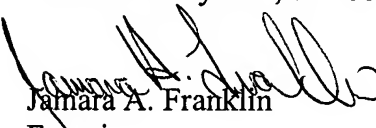
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jamara A. Franklin
Examiner
Art Unit 2876

JAF
March 5, 2007



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